



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 3.18

Subject: Loss or Damage of Personal Property of Youth in DCS Departmental Treatment Facilities

Supersedes: DCS 3.18, 12/31/99

Local Policy: No

Local Procedures: No

Training Required: No

Applicable Practice Model Standard(s): Yes

Approved by:

Effective date: 12/31/99

Revision date: 01/01/04

Application

To All Youth Development Center and Community Residential Facilities Employees and Youth

Authority: TCA 37-5-106, TCA 9-8-307

Policy

Under specific circumstances due to loss, damage or destruction of personal property of youth committed to the Department of Children's Services residential treatment facilities, the Division of Claims Administration may compensate youth for the loss, damage or destruction of their personal property.

Procedures

A. Eligible losses

A youth may be eligible for compensation for loss, damage, or destruction of his or her personal property if all of the following conditions apply:

- ◆ The property of youth must be inventoried at the time they enter a DCS residential treatment facility. Conditions of the youth's property must be noted on the inventory form.
- ◆ The property in question was in his/her possession or in the custody of the superintendent of the YDC or the supervisor of DCS community residential facility to which the youth is

assigned.

- ◆ The loss, damage, or destruction resulted from the negligence of an employee or agent of the State of Tennessee.
- ◆ The loss, damage, or destruction did not result from any acts of the youth.

B. Process for claims

1. Notification of staff

Upon discovering the loss, damage, or destruction of his/her personal property, a youth must immediately notify the staff member responsible for supervising him or her.

2. Facility procedures

- a) The staff member receiving a report of loss, damage, or destruction of the youth's personal property must notify the shift supervisor who must, in turn, notify the superintendent or the DCS community residential facility supervisor/designee.
- b) If the property is reported as a loss, the shift supervisor/designee or staff must search for the missing property and investigate the circumstances before the loss occurred.

3. Claim form

The youth must prepare and file form [TR-0236, Claim For Damages, State of TN, Division of Claims Administration](#), with assistance as needed from designated staff and forward the claim to the Division of Claims Administration.

- a) The claim must be supported by affidavits and statements of witnesses, if available, detailing the pertinent facts surrounding the property's loss, damage, or destruction.
- b) All claims must be filed with the Division of Claims Administration within one year from the date of the loss, damage, or destruction or within one year from when the conversion of the property should have been discovered.

4. Additional information

After reviewing the claim, the Division of Claims Administration may request that the superintendent/DCS

community residential facility supervisor and staff provide additional information relevant to the alleged incident.

- a) If the Division of Claims Administration requests additional information, the DCS General Counsel division must notify by memorandum the superintendent/DCS community residential facility supervisor of the facility where the youth was assigned at the time of the reported incident.
- b) If the DCS General Counsel division requests it, the superintendent/ DCS community residential facility supervisor must obtain signed statements containing the following from all staff who had knowledge of the loss, damage, or destruction of the property:
 - ◆ The facts as known by the person making the statement(s), relevant to the reported incident and
 - ◆ Any information indicating possible contributory negligence by the individual whose property was lost, damaged, or destroyed
- c) The superintendent/ DCS community residential facility supervisor must return the affidavits and statements to the DCS General Counsel division, whose staff must forward them to the Division of Claims Administration.

C. Awards

The Division of Claims Administration must determine the amount of the award directly with the claimant/youth.

D. Appeal

Decisions of the Division of Claims Administration may be appealed to the Tennessee Claims Commission, as provided in the rules and regulations of the Division of Claims Administration and the Claims Commission.

Forms

TR-0236 Claim For Damages, State of TN, Division of Claims Administration

Collateral Documents

Rules and Regulations of the Division of Claims Administration and the Claims Commission)

Standards

ACA 3-JCRF-3A-12

ACA 3-JCRF-1B-15

ACA 3-JTS-1B-16

ACA 3-JTS-3A-19

DCS Practice Model Standard- 8-306